



# Oregon

John Kitzhaber, MD, Governor

## Department of Environmental Quality

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September 23, 2013

Dave Obern  
Construction and Environmental Services Manager  
Portland Development Commission  
222 NW 5th Ave  
Portland, OR 97209

Re: Conditional No Further Action  
Lot 5, Union Station-Parcel B South  
ECSI #1885

Mr. Obern:

The purpose of this letter is to communicate DEQ's review of final closure documents related to the aforementioned property. Based on this review, DEQ concludes that remedial activities have been successfully completed at Lot 5 of the Union Station-Parcel B South site located on NW Naito Avenue in Portland, Oregon.

Lot 5 is one of three lots comprising the site (Lots 3, 4, and 5). DEQ issued a conditional No Further Action (cNFA) determination for Lot 3 in 2000, and for Lot 4 in 2005. Remedial and construction activities were recently completed for Lot 5. The completion of work at Lot 5 concludes the remedial activities at the Union Station-Parcel B South site. The basis for DEQ's cNFA determination is presented below.

### Background

The site is comprised of three lots (3, 4, and 5) with total size of 7.1 acres. Portland Development Commission (PDC) entered the Site (all three lots) into DEQ's Voluntary Cleanup Program (VCP) on July 26, 1996. The Site was occupied by a rail yard from late 1800s to 1980s, and remained vacant following PDC purchase in October 1987. Various portions of the site have been developed in stages by PDC starting in 1999. Lot 5 was transferred to the City of Portland Housing Bureau in July 2012, and was subsequently purchased by GSL Properties in February 2012.

### Remedial Investigation/Feasibility Study (RI/FS)

Environmental investigation began in 1991, and included site-wide investigation of soil and groundwater. Most work was completed in 1996 immediately after DEQ oversight

began. Investigation identified site-wide elevated petroleum, polynuclear aromatic hydrocarbons (PAHs) and metals (lead and arsenic) in shallow soil. Petroleum impacts to shallow groundwater identified in localized area (boring B-11 Area), and impacts were modest and limited in horizontal extent.

The final Remedial Investigation and Feasibility Study reports were approved by DEQ in September 1996. The subsequent Site Risk Assessment identified PAHs and metals exceeding risk-based concentrations in shallow soil throughout the site, and elevated petroleum hydrocarbons and PAHs in B-11 Area, which straddled Lots 4 and 5. Unacceptable risk at the site was primarily to future residential site occupants through contact with contaminated surface soils. Based on an absence of shallow groundwater use and receptors and only localized impacts, remedial efforts were determined to not be necessary for groundwater, and DEQ issued an NFA for groundwater at the site in 1998.

#### Record of Decision (ROD)

In 1996, the following remedy was selected for the site:

- Excavate approximately 4,200 cubic yards of petroleum hydrocarbon-contaminated soil located on site Lots 4 and 5 (the B-11 Area). Unsaturated soil containing elevated petroleum hydrocarbons (TPH) will be excavated and transported off-site for landfill disposal. The excavation will be filled with clean soil or other materials meeting DEQ approval.
- Leave remaining soil, all of which is contaminated with PAHs and a portion of which is contaminated with lead and arsenic, in place.
- Following excavation activities, cap the site with clean fill. Asphalt or concrete may be substituted for a portion of the clean fill cover. A demarcation layer consisting of a geotextile fabric or gravel will also be required.
- Develop a plan for long-term maintenance of the cap and place deed restrictions on the site regarding future use.

A Remedial Action Plan to implement these remedial actions was submitted to and subsequently approved by DEQ in November 1996.

#### Cleanup/Capping Activity

Site grading began in March 2012, and was completed in June 2012. Site grading activities included excavation of soil for underground utilities, a utility vault, an elevator pit, and related site preparation construction. A total of 5,122 tons of soil were removed from the site during these activities, and were subsequently disposed at the Hillsboro Landfill. Groundwater was not encountered during construction activities.

As site grading and construction activities occurred at the site, a surface cap was installed as required by the 1996 ROD. Separate cap elements were installed in four areas/scenarios: building underslab; hardscaped areas; landscaped areas; and asphalt areas. Capping activities performed in concert with site development are discussed in the 20013 AMEC report titled

*Remedial Action Closure Report (RAP)*, which has been reviewed and approved by DEQ. All capping elements have been completed for the site consistent with the ROD and RAP.

#### Closeout Activity

The site has three management plans: a site inspection and maintenance plan; worker notification and protection plan; and a soil and groundwater management plan. Copies of each are present in the 1996 RAP, approved by DEQ. These plans have been in place during construction, and remain with the new property owners for future inspection and site and worker safety. The site inspection and maintenance plan lists the inspection requirements as detailed in the ROD. Under the remedial action plan, yearly cap inspections are to be completed. After five years, DEQ will complete a review of site conditions and determine whether less frequent inspection is acceptable.

A deed restriction (Easement and Equitable Servitude or EES) document was prepared and recorded with the property deed in Multnomah County. The EES outlines the restrictions on groundwater use at the site, and requires engineering controls remain in place. Additionally, the EES includes notification requirements in the event of cap disturbance or repair (planned or unplanned), and cap inspection and reporting requirements. The EES was drafted in accordance with the 1996 ROD, and was recorded with Multnomah County on August 9, 2013.

#### DEQ Conclusions

DEQ has determined that no further action is required for the Lot 5 of the Union Station-Parcel B South site under Oregon Environmental Cleanup Law, ORS 465.200 et seq. unless additional information becomes available in the future which warrants further investigation. Public notice of DEQ's proposed NFA determination was published on July 1, 2013 and a 30-day comment period was provided. No comments were received.

DEQ's no further action (NFA) determination is conditional and is contingent upon maintenance of the site cap. The EES documents recorded with the property deed explain items including the cap maintenance and reporting requirements, DEQ's right of entry, and DEQ notification requirements in the event that site ownership or zoning/use changes. As outlined in the EES, the site owner is responsible for cap inspection work. Yearly inspection/reporting are required for the foreseeable future unless DEQ determines in its five-year review that less frequent monitoring is necessary.

DEQ will update DEQ's Environmental Cleanup Site Information (ECSI) database to reflect the conditional NFA decision. The site will remain on DEQ's Confirmed Release List and Inventory of Hazardous Substance Sites.

If you have any questions, please contact Shawn Rapp at (503) 229-5614. Thank you for your participation in the Voluntary Cleanup Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Johnson", with a long horizontal flourish extending to the right.

Keith Johnson  
Manager, NWR Cleanup Section

cc: Shawn Rapp, DEQ  
ECSI File No. 1885